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CITY OF LOS ANGELES, LOS ANGELES POLICE DEPARTMENT, DETECTIVE
RICHARD ULLEY and DETECTIVE JOHN VANDER HORCK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARCO MILLA an individual,
Plaintiff,

v.

CITY OF LOS ANGELES a municipal
entity; LOS ANGELES POLICE
DEPARTMENT, a municipal entity;
DETECTIVE R. ULLEY AND
DETECTIVE J. VANDER HORCK, and
DOES 1 through 100, inclusive,
Defendants.

Case No. 16-cv-00134-FWS-MRW

**DEPOSITION DESIGNATIONS AND
OBJECTIONS FOR DEFENDANT
DETECTIVE JOHN VANDER
HORCK (DECEASED)**

TRIAL: July 5, 2023
JUDGE: Hon. Fred W. Slaughter

The parties submit the following deposition designations they intend to offer at trial from the November 10, 2016, deposition testimony of Defendant John Vander Horck, who is now deceased, and each party's objections thereto. The parties have also attached hereto a highlighted copy of the deposition transcript as **Exhibit A**, with the proposed testimony highlighted as follows to assist the Court's evaluation:

Yellow Highlight – Defendants' proposed citation

Blue Highlight – Plaintiff's proposed citations

Green Highlight – Citations proposed by both Plaintiff and Defendants

The citations herein are in addition to the designations filed by Defendants on May 7, 2023 (Dkt. 303) of Vander Horck's testimony during the criminal trial.

I. DEFENDANTS' DESIGNATIONS AND PLAINTIFF'S OBJECTIONS

Defendants' Deposition Designation Citation	Plaintiff's Objection	Court's Ruling
7:3-20		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
7:7-20	Irrelevant, Fed. Rule 403-undue sympathy	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
9:14-24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
11:22-12:23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
26:18-27:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
31:4-11		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Defendants' Deposition Designation Citation	Plaintiff's Objection	Court's Ruling
38:11-20	Assumes facts not in evidence. Calls for hearsay. No foundation. Calls for an expert opinion without foundation. Calls for a conclusion on an ultimate issue; Fed. Rule 403	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
42:3-13		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
42:3-9	Assumes facts not in evidence. Calls for hearsay. No foundation. Calls for an expert opinion without foundation. Calls for a conclusion on an ultimate issue re the truthfulness of unknown persons, Fed. Rule 403	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
42:10-13	No objection. Answer to question is at 43:2.	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
43:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
43:4-44:6	Assumes facts not in evidence. Calls for hearsay. No foundation, speculation, improper opinion, Fed. Rule 403	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
48:24-49:10		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Defendants' Deposition Designation Citation	Plaintiff's Objection	Court's Ruling
49:23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
49:25-50:2	Irrelevant as to what the witness thought. Vague and ambiguous. Calls for speculation. Calls for a legal conclusion.	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
50:6-7	Irrelevant as to what the witness thought. Vague and ambiguous. Calls for speculation. Calls for a legal conclusion.	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
49:21-51:5	Non responsive. Improper probable cause opinion per Court's citation of <i>Torres v. City of Los Angeles</i> , 548 F.3d 1197, 1214 n. 11 (9th Cir. 2008)	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
50:13-51:5	Irrelevant as to why the witness wanted a question to be rephrased. Calls for a narrative, Fed. Rule 403	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
72:22-73:25		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
72:22-73:7	Non responsive	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
73:8-25	No foundation. Speculation, Fed. Rule 403	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Defendants' Deposition Designation Citation	Plaintiff's Objection	Court's Ruling
105:2-12		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
105:18		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
105:20-106:7		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
106:11-108:6		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
108:8-110:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

II. PLAINTIFF'S DESIGNATIONS AND DEFENDANTS' OBJECTIONS

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
6:22		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
7:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
7:3-7:6		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
11:22-12:23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
13:5-13:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
13:18-13:22		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
14:2-16:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
17:7-17:9		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
17:12-17:17		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
17:23-17:25		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
18:10-18:15		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
18:18-18:24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
19:2-19:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
19:13-19:16		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
19:18-19:22		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
20:1-11	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
20:17-24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
21:2-23:14		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
21:13-16	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
21:25-2	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
22:20-24	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
23:9-11	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
23:20-24:10		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
24:6-9	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
24:13-25:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
25:22-26:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
26:7-8	Relevance	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
26:18-27:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
27:3-8, 27:14-15	Incomplete – the full discussion should be read 27:3-15	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
27:17-19		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
27:22-23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
27:25-28:7		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
28:18-21	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
29:1-30:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
29:8-9	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
30:3-5	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
30:10-18		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
30:22-32:6		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
32:15-19		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
32:22-33:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
34:3-8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
34:15-17		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
34:23-35:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
34:23-25	Vague; speculation and foundation to the extent it relates to the "usual custom or practice" of the District Attorney's office	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
35:12-21		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
35:12-13	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
36:18		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
36:21-37:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
37:5-8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
37:11-38:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
37:11-15	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
39:22-40:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
40:13-24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
41:18-20		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
42:1-2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
42:23-25		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
43:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
43:4-8	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
44:7-16		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
44:21-45:5		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
45:14-46:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
46:5-24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
47:9-20		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
48:7-17		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
48:19		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
48:21-23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
53:4-54:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
53:4-20	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
55:9-19		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
55:22-23		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
55:25-56:3		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
56:9-10		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
56:21-57:11		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
57:14-15		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
57:17-58:13		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
58:8-13	Question not answered; vague; ambiguous; speculation; foundation. Similar question asked on 59:2-4, which was answered.	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
59:2-12		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
59:19-61:21		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
62:10-63:7		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
62:14-20	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
63:11-64:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
64:8-21		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
65:2-67:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
65:10-17	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
65:18-23	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
67:11-16		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
67:25-68:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
67:25-68:4	Incomplete – should also include answer and subsequent discussion that puts next question in context. Add 68:9-22.	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
68:23-69:6		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
69:1-6	Argumentative	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
69:11-70:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
71:4-17		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
71:4-5	Incomplete; vague; relevance	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
75:3-80:2		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
83:1-25		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
85:5-89:11		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
90:7-91:24		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
92:3-93:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
92:21-93:1	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
93:2-4	Incomplete, no answer given	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
94:10-96:15		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
94:10	Vague; incomplete, no question included	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
94:18-22	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
97:24-25	Relevance; incomplete, no answer given	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
98:16-102:11		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
98:16-99:3	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
101:6-12	Hearsay	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
102:20-104:22		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
105:2-8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
106:6-7		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
106:11-16		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

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Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
107:9-18		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
107:22-108:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
108:14-17		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
108:20-21		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
108:24-109:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
110:2-111:13		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
111:15-18		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
112:24-113:8		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
113:14-15	Relevance; after acquired evidence	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
114:8-115:4		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
114:8-13	Relevance; after acquired evidence	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Plaintiff's Deposition Designation Citation	Defendants' Objection	Court's Ruling
114:24-115:4, 115:10-14	Incomplete – the full discussion should be read 114:24-115:12	Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
115:21-116:1		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
117:1-118:6		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
118:9-16		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>
118:23-25		Sustained: <input type="checkbox"/> Overruled: <input type="checkbox"/>

Dated: June 30, 2023

ORBACH HUFF + HENDERSON LLP

By: /s/ Kevin E. Gilbert

Kevin E. Gilbert
Attorney for Defendants
CITY OF LOS ANGELES, LOS ANGELES
POLICE DEPARTMENT, DETECTIVE R.
ULLEY and DETECTIVE J. VANDER HORCK

Dated: June 30, 2023

LAW OFFICE OF MARTIN STANLEY

By: /s/ Martin Stanley

Martin Stanley
Attorney for Plaintiff
MARCO MILLA